



General Assembly

Substitute Bill No. 911

January Session, 2011

* ____SB00911GL____031511____ *

AN ACT CONCERNING HOMEMAKER SERVICES AND HOMEMAKER-COMPANION AGENCIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-670 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2012*):

3 As used in sections 20-670 to 20-680, inclusive, as amended by this
4 act:

5 (1) "Certificate" means a certificate of registration issued under
6 section 20-672.

7 (2) "Commissioner" means the Commissioner of Consumer
8 Protection or any person designated by the commissioner to
9 administer and enforce the provisions of sections 20-670 to 20-680,
10 inclusive, as amended by this act.

11 (3) "Companion services" means nonmedical, basic supervision
12 services to ensure the well-being and safety of a person in such
13 person's home.

14 (4) "Employee" means any person employed by, or who enters into a
15 contract to perform services for, a homemaker-companion agency,
16 including, but not limited to, temporary employees, pool employees
17 and persons treated by such agency as independent contractors.

18 (5) "Homemaker services" means nonmedical, supportive services
19 that ensure a safe and healthy environment for a person in such
20 person's home, such services to include assistance with personal
21 hygiene, cooking, household cleaning, laundry and other household
22 chores.

23 (6) "Homemaker-companion agency" means any public or private
24 organization, employing one or more persons that is engaged in the
25 business of providing companion services or homemaker services.
26 Homemaker-companion agency shall not include a home health care
27 agency, as defined in subsection (d) of section 19a-490, or a
28 homemaker-home health aide agency, as defined in subsection (e) of
29 section 19a-490.

30 (7) "Registry" means any person or entity engaged in the business of
31 supplying or referring an individual to or placing an individual with a
32 consumer to provide homemaker or companion services provided by
33 such individual, when the individual providing such services is either
34 (A) directly compensated, in whole or in part, by the consumer, or (B)
35 treated, referred to or considered by such person or entity as an
36 independent contractor.

37 [(7)] (8) "Service plan" means a written document provided by a
38 homemaker-companion agency to a person utilizing services provided
39 by such agency, that specifies the anticipated scope, type, frequency
40 and duration of homemaker or companion services that are to be
41 provided by such agency for the benefit of the person.

42 Sec. 2. Section 20-675 of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective January 1, 2012*):

44 (a) The Commissioner of Consumer Protection may revoke, suspend
45 or refuse to issue or renew any certificate of registration as a
46 homemaker-companion agency or place an agency on probation or
47 issue a letter of reprimand for: (1) Conduct by the agency, or by an
48 employee of the agency while in the course of employment, of a

49 character likely to mislead, deceive or defraud the public or the
 50 commissioner; [or] (2) engaging in any untruthful or misleading
 51 advertising; or (3) failure of such agency that acts as a registry to
 52 comply with the notice requirements of section 3 of this act.

53 (b) The commissioner shall not revoke or suspend any certificate of
 54 registration except upon notice and hearing in accordance with chapter
 55 54.

56 Sec. 3. (NEW) (*Effective January 1, 2012*) (a) A registry shall provide
 57 each consumer with a notice, to be signed by the consumer, specifying
 58 the legal liabilities of such registry to the individual supplied or
 59 referred to or placed with the consumer. The notice shall be given to
 60 the consumer before the commencement of services and such services
 61 shall not commence until the registry receives a signed copy of the
 62 notice from the consumer. If the registry maintains an Internet web
 63 site, a sample of the notice shall be posted on such Internet web site.

64 (b) The notice to the consumer shall be written in plain language
 65 and shall comply with the plain language standard detailed in section
 66 42-152 of the general statutes and shall include a statement identifying
 67 the registry as an employer, joint employer, leasing employer or
 68 nonemployer, as applicable, along with a statement advising the
 69 consumer he or she may be considered an employer under law and, if
 70 that is the case, the consumer may be held responsible for the payment
 71 of federal and state taxes, Social Security, overtime and minimum
 72 wage, unemployment, workers' compensation insurance payments
 73 and any other applicable payment required under state or federal law.
 74 The notice shall also include a statement that the consumer should
 75 consult a tax professional if he or she is uncertain about his or her
 76 responsibility for the payment of such taxes or payments.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2012	20-670

Sec. 2	<i>January 1, 2012</i>	20-675
Sec. 3	<i>January 1, 2012</i>	New section

GL *Joint Favorable Subst.*